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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,247

11/14/2006

Dean K. Reidt

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09/09/2009

3M INNOVATIVE PROPERTIES COMPANY

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EXAMINER

NGO, LIEN M

ART UNIT

PAPER NUMBER

3754

NOTIFICATION DATE

DELIVERY MODE

09/09/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/568,247	Applicant(s) REIDT ET AL.	
	Examiner LIEN TM NGO	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 81-99 is/are pending in the application.
- 4a) Of the above claim(s) 91,94,95 and 98 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 81-90,92,93,96,97 and 99 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/22/08, 10/16/07, 3/29/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 91, 94, 95 and 98 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternatively only. See MPEP § 608.01(n). Accordingly, the claims 91, 94, 95 and 97 not been further treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 81 -83, 87, 88, 89, 92, 93, 96, and 97 are rejected under 35 U.S.C. 102(b) as being anticipated by Colin et al. (5,033,650). Colin et al. disclose, in figs. 1 and 6, a capsule for two components of material comprising a cartridge for containing two component chambers 15, 16, a first and second pistons 19, 29 connected to one another, a rigid partition wall 23; a cannula with a mixer 14; a flexible wall or a sealing foil 24, 25.

4. Claims 81-89, 92, 93, 96 and 97 are rejected under 35 U.S.C. 102(b) as being anticipated by Sogaro (6,547,101). Sogaro discloses, in figs. 1 and 9, a capsule for two components of material comprising a cartridge for containing two component chambers 12, 14, a housing 36, a first and second pistons 20, 22 connected to one another, a rigid partition wall; a cannula with a mixer (see col. 5, lines 40-43); a flexible wall or a sealing foil 40 .

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5. Claims 81-83, 87, 88 and 90-93 are rejected under 35 U.S.C. 102(b) as being Chan by (6,409,972). Chan discloses, in figs. 1 and 4, a capsule for two components of material comprising a cartridge for containing two component chambers 46, 50 a first and second pistons 51, 52 connected to one another, a flexible wall and sealing foil 23, 51, 52, a rigid partition wall 17; and a cannula 61 with a mixer.

6. Claims 81, 87 and 97 rejected under 35 U.S.C. 102(b) as being anticipated by Creighton, Jr. et al. (3,323,682). Creighton, Jr. discloses, in figs, 1 and 2, a capsule for two components of material comprising a cartridge for containing two component chambers 44 separated by a flexible partition wall, a piston 28 using with a single plunger.

7. Claims 81-83, 88, 89, 93, 96 and 99 are rejected under 35 U.S.C. 102(b) as being anticipated by Xie et al. (6,843,653) Xie et al. disclose, in figs. 1, 3 and 4, a capsule for two components of material comprising a cartridge for containing two component chambers 20, 22, a first and second pistons 54 connected to one another, a rigid partition wall; a cannula10 with a mixer; and the components made a dental material.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KEVIN SHAVER can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LIEN TM NGO/
Primary Examiner, Art Unit 3754

August 31, 2009